REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

By this Amendment claims 1, 10, 16 and 17 have been amended. The amendments to the foregoing are fully supported in the as-filed specification.

The cancellation of the claims herein is without prejudice or disclaimer.

The claims presently pending are 1, 7, 8, 10, 16, 17 and 18.

The rejection of claim 5 under 35 U.S.C. § 112, second paragraph, is rendered moot in view of its having been cancelled herein.

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miller, U.S. 5,494,935 and claims 1-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Frenier, U.S. 6,436,880. The foregoing rejections under § 102 are respectfully traversed.

Pending claim 1, as amended herein, distinguishes over Miller, U.S. 5,494,935 in its recital of gelled, ungelled or emulsified hydrochloric acid being present in the slurry composition at a pH from about 0 to about 2.9.Miller does not teach such a composition. Accordingly, the rejection has been overcome and its withdrawal is respectfully solicited.

Pending independent claims 1 and 10, as presently amended, recite a composition in slurried form and a method of using such slurry which includes a ***particulate*** chelant and hydrochloric acid in ***gelled, ungelled or emulsified form*** and having a pH from about 0 to about 2.9.

There is no teaching in Frenier, U.S. 6,436,880 that the chelant must be in the form of a particulate nor is there any disclosure of using gelled, ungelled or emulsified hydrochloric acid.

The use of a chelant which is in ***particulate*** form is of critical importance to the claimed invention. This can be seen by reference to the subject specification at page 3 thereof, wherein. Applicant states:

> It has now been found that the problems attendant the prior art use of aqueous solutions of chelating agents can be overcome by using a "chelant" or "chelating agent" which is in particulate form rather than the aqueous chelating solutions disclosed in the prior art. The use of particulate chelants yields deeper stimulation in both matrix acidizing and acid fracturing, and also serves to dissolve calcareous scale found in the drilling mud filter cake, resulting in enhanced hydrocarbon production. The particulates dissolve as the chelant in solution reacts with the limestone/dolomite.
>
> Using a chelating agent in particulate form, in accordance with the process of the present invention, avoids the need for the use of retarded HCl systems which results in acid corrosion of hardware, destabilization of asphaltenes present in the crude and in the formation of an insoluble sludge. These chelants have a low level of stability in acidic solution which serves to create a stimulation fluid with a very high dissolution capability.

Frenier fails to teach, disclose or suggest the criticality of using a chelating agent which is in particulate form and that the pH of the acidic treatment composition must be between 0 and 2.9.

It is submitted that both the claimed composition and the claimed process distinguish over the teaching of the Frenier reference. Accordingly, since the Examiner has not established a *prima facie* case of anticipation, withdrawal of the § 102(e) rejection is respectfully solicited.

The issuance of a Notice of Allowance is earnestly solicited.

Please charge any additional fee(s) and credit any overpayments to Deposit Account. No. 01-0035.

Respectfully submitted,
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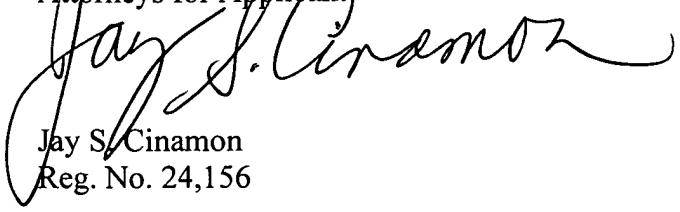

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